

1 Marta Palacios, Bar No. 206018
mpalacios@perkinscoie.com
2 Farschad Farzan, Bar No. 215194
ffarzan@perkinscoie.com
3 Euphemia N. Thomopulos, Bar No. 262107
ethomopulos@perkinscoie.com
4 **PERKINS COIE LLP**
Four Embarcadero Center, Suite 2400
5 San Francisco, CA 94111-4131
Telephone: 415.344.7000
6 Facsimile: 415.344.7050

7 Attorneys for Plaintiff
LaTanya Marie Session
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9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**

11 LaTanya Marie Session,
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13 Plaintiff,

14 v.

15 PLM Lender Services, Inc., Monterey Bay
Resources, Inc., Betsy Bliss, Graham Stokes,
16 Michael B. Reinhold, William S. Cassilly, Julie
Oak, Kenneth M. Kimmey, Blake Cesarin,
17 Lorelei Helm, Cheryl M. Haley, Howard Eddy,
Ty Ebright, Ann Ebright, Contanz Frie, Howard
18 J. Lim, Reiko K. Lim, Matthew Lopez, and
Does 1-50,

19 Defendant(s).
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Case No. 10-CV-04942 WHA

~~**PROPOSED**~~ **ORDER APPOINTING
GUARDIAN AD LITEM PURSUANT
TO FRCP 17 AND CCP 372(a)**

1 Defendants Ty Ebright, Ann Ebright and Monterey Bay Resources, Inc.'s Motion to
2 Dismiss Plaintiff's Complaint came on for hearing at 8:00 a.m. on December 22, 2011. Pursuant
3 to Federal Rule of Civil Procedure 17 and California Code of Civil Procedure section 372(a), this
4 Court, having reviewed the pleadings, papers and arguments of counsel regarding Plaintiff
5 LaTanya Marie Session's ("Ms. Session") capacity to bring suit, FINDS as follows:

6 1. That, as stated in Ms. Session's December 20, 2011 Response to the Court's
7 December 20, 2011 Order Regarding Hearing on Defendants' Motion to Dismiss, Ms. Session
8 and her daughter Johnetta George, who currently holds a general power of attorney, do not
9 oppose the Court's appointment of a guardian *ad litem* to litigate on Ms. Session's behalf;

10 2. At the December 22, 2011 hearing, counsel for Ms. Session requested the Court
11 conduct an inquiry as to Ms. Session's capacity;

12 3. The Court conducted an oral inquiry of Ms. Session and questioned the proposed
13 guardian *ad litem*, Bess Kennedy ("Ms. Kennedy"), an attorney from the law firm of Bingham
14 McCutchen LLP;

15 4. Ms. Kennedy agreed to act as Ms. Session's guardian *ad litem* on a pro bono basis
16 with respect to this litigation, including potential settlement; and

17 5. After conducting its inquiry, but without making a formal finding as to Ms.
18 Session's capacity, this Court appointed Ms. Kennedy as Ms. Session's guardian *ad litem* for this
19 litigation.

20 THEREFORE, IT IS HEREBY ORDERED that Ms. Kennedy shall act as Ms. Session's
21 guardian *ad litem* on a pro bono basis for the duration of this matter.

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24 DATED: January 5, 2012.



25 William Alsup
26 UNITED STATES DISTRICT JUDGE
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